

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FELIPE RAMALES,

Plaintiff,

- against -

VICTORIA BECKHAM INC., VB BEAUTY (US) LLC,  
and VICTORIA BECKHAM

Defendant.

Docket No. 1:19-cv-8650

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Felipe Rames (‘‘Ramales’’ or ‘‘Plaintiff’’) by and through his undersigned counsel, as and for his Complaint against Defendants Victoria Beckham Inc. (‘‘Victoria Beckham’’), VB Beauty (US) LLC (‘‘VB’’) and Victoria Beckham (‘‘Beckham’’) and together with Victoria Beckham and VB ‘‘Defendants’’) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of singer and fashion designer Victoria Beckham, owned and registered by Ramales, a New York based professional photographer. Accordingly, Ramales seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendants because Defendant reside and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Rames is a professional photographer in the business of licensing his photographs to online and print media for a fee having a usual place of business at 221 West 233<sup>rd</sup> Street, Apartment, 2E, Bronx, New York 10463.

6. Upon information and belief, Victoria Beckham is a domestic business corporation duly organized and existing under the laws of the state of Delaware with a place of business at 524 Broadway, New York, New York 10012. Upon information and belief, Victoria Beckham has operated an Instagram page at the website URL: [www.Instagram.com/VictoriaBeckham](http://www.Instagram.com/VictoriaBeckham) (the “Instagram Story”).

7. Upon information and belief, VB is a foreign limited liability company duly organized and existing under the laws of the state of Delaware with a place of business at 524 Broadway, New York, New York 10012. Upon information and belief, VB has operated an Instagram page at the website URL: [www.Instagram.com/VictoriaBeckham](http://www.Instagram.com/VictoriaBeckham) (the “Instagram Story”).

8. Upon information and belief, Beckham is an individual with a place of business at 524 Broadway, New York, New York 10012. Upon information and belief, VB has operated her Instagram page at the website URL: [www.Instagram.com/VictoriaBeckham](http://www.Instagram.com/VictoriaBeckham) (the “Instagram Story”).

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photograph**

9. Ramales photographed singer and fashion designer Victoria Beckham (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

10. Ramales is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

10. The Photograph was registered with the United States Copyright Office and was given registration number VA 2-162-149.

**B. Defendant’s Infringing Activities**

11. Defendants ran the Photograph the Instagram Story to promote their brand. A screenshot of the Photograph on the Instagram Story is attached hereto as Exhibit B.

12. Defendants did not license the Photograph from Plaintiff for its Instagram Story, nor did Defendants have Plaintiff’s permission or consent to publish the Photograph on its Instagram Story.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST DEFENDANTS)**  
**(17 U.S.C. §§ 106, 501)**

14. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

15. Defendants infringed Plaintiff’s copyright in the Photograph by reproducing and publicly displaying the Photograph on the Instagram Story. Defendants are not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

16. The acts of Defendants complained of herein constitute infringement of Plaintiff’s copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

17. Upon information and belief, the foregoing acts of infringement by Defendants have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

18. As a direct and proximate cause of the infringement by the Defendants of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendants profits pursuant to 17 U.S.C. § 504(b) for the infringement.

19. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendants willful infringement of the Photograph, pursuant to 17 U.S.C. § 504(c).

20. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendants be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded either: a) Plaintiff's actual damages and Defendants profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;

5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
September 17, 2019

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz  
Richard P. Liebowitz  
11 Sunrise Plaza, Suite 305  
Valley Stream, New York 11580  
Tel: (516) 233-1660  
RL@LiebowitzLawFirm.com

*Attorneys for Plaintiff Felipe Rames*